

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2015040896

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE, SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On May 29, 2015, the parties filed a joint request to continue the prehearing conference and hearing dates in this matter. This is the first continuance request since the filing of the complaint.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties state that they have agreed upon independent educational evaluations and the continuance is needed to allow adequate time for the evaluations to be completed and considered at an IEP. OAH has reviewed the request for continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates.

Also, the mediation of March 20, 2015 was cancelled. Therefore, a new mediation date is provided by way of this Order.

Good cause existing therefore, the request to continue is granted. All dates are vacated and this matter is set as follows:

Mediation:	September 9, 2015, at 9:30 AM, at the District's offices, located at 44811 Sierra Highway, Lancaster, CA 93534.
Prehearing Conference:	September 11, 2015, at 1:00 PM.
Due Process Hearing:	September 21, 22, 23, and 24, 2015, commencing at 9:30 AM, except for the first day, which will commence at 1:30 PM. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at the District's offices, located at 44811 Sierra Highway, Lancaster, CA 93534.

IT IS SO ORDERED.

DATE: June 01, 2015

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings